

ESTTA Tracking number: **ESTTA434187**

Filing date: **10/06/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Genesys Telecommunications Laboratories, Inc.
Granted to Date of previous extension	10/09/2011
Address	2001 Junipero Serra Boulevard Daly City, CA 94014 UNITED STATES
Correspondence information	K. Bradford Adolphson Ware, Fressola, Van Der Sluys & Adolphson LLP Bradford Green, Building 5, 755 Main Street, P. O. Box 224 Monroe, CT 06468 UNITED STATES kba@wfva.net Phone:203-261-1234

Applicant Information

Application No	85181619	Publication date	04/12/2011
Opposition Filing Date	10/06/2011	Opposition Period Ends	10/09/2011
Applicant	Adobe Systems Incorporated 345 Park Avenue San Jose, CA 95110 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 2010/07/22 First Use In Commerce: 2010/07/22

All goods and services in the class are opposed, namely: Computer services, namely, consultation services related to web sites; computer and website diagnostic services, namely, monitoring the websites of others to improve scalability and performance of the websites of others; tracking, analyzing, evaluating, and advising others regarding website design, implementation, usability, functioning, performance, and optimization; application service provider (ASP), namely, featuring software for managing and optimizing website performance and the effectiveness of online marketing campaigns; technical support, namely, monitoring network systems; application service provider (ASP), namely, featuring software for managing, collecting, integrating, and sharing a wide variety of data and information from various sources; application service provider (ASP), namely, featuring software for web site diagnostic analysis; application service provider (ASP), namely, featuring software for tracking web site activity and managing, monitoring and optimizing the performance and effectiveness of websites and online marketing campaigns; providing an online non-downloadable software platform for managing, collecting, integrating, and sharing a wide variety of data and information from various sources

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2249031	Application Date	11/10/1997
Registration Date	06/01/1999	Foreign Priority Date	NONE
Word Mark	GENESYS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1994/10/00 First Use In Commerce: 1994/10/00 consulting services in the area of computerized telecommunications and telephony control		

U.S. Registration No.	2271572	Application Date	11/10/1997
Registration Date	08/24/1999	Foreign Priority Date	NONE
Word Mark	GENESYS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1994/10/00 First Use In Commerce: 1994/10/00 computer software for computerized telecommunications and telephony control, and instruction and user manuals provided in connection therewith		

Attachments	Notice of Opposition.pdf (11 pages)(2941614 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/K.B. Adolphson/
Name	K. Bradford Adolphson
Date	10/06/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GENESYS TELECOMMUNICATIONS	:	
LABORATORIES, INC.,	:	
	:	Opposition No.
Opposer,	:	
	:	Serial No. 85/181,619
v.	:	
	:	Published: April 12, 2011
ADOBE SYSTEMS INCORPORATED,	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

In the matter of the application of Adobe Systems Incorporated for the registration of ADOBE GENESIS, Application Serial No. 85/181,619, Genesys Telecommunications Laboratories, Inc., a California corporation with an address at 2001 Junipero Serra Boulevard, Daly City, California 94014, believes it will be damaged by the registration of the mark shown in the application and hereby opposes same. Application No. 85/181,619 was published for opposition in the Official Gazette of April 12, 2011. The time to file this opposition has been extended until October 9, 2011.

The grounds for the opposition are:

1. Opposer for many years has been engaged in the business of, inter alia, providing enterprise application software and consulting services related thereto. For a number of years, opposer has used the mark GENESYS in the United States and elsewhere to

designate its products and services. GENESYS software directs more than 100 million customer interactions every day for 4,000 companies and government agencies in 80 countries. Products and services provided under the mark GENESYS by opposer have been extensively promoted, advertised, distributed to the trade and to the public through various media and channels of trade. Through such efforts, extensive goodwill has been built up in the valuable mark GENESYS of opposer.

2. By reason of the extensive promotion, advertisement, distribution, use and sale of products and services under the mark GENESYS, the public and trade have come to recognize the mark as signifying opposer and its products and services.

3. To protect these valuable rights and goodwill, opposer has obtained U.S. Trademark Registration Nos. 2,249,031 and 2,271,572 on GENESYS. Opposer is the owner of record of these registrations as shown by the attached current printouts of information from the electronic database records of the USPTO showing the current status and title to the registrations. Opposer has enforced its rights in its mark GENESYS against others.

4. Notwithstanding opposer's long prior rights in and to its mark, applicant has filed an application, Serial No. 85/181,619, for registration of ADOBE GENESIS for "computer services, namely, consultation services related to web sites; computer and website diagnostic services, namely, monitoring the websites of others to improve scalability and performance of the websites of others; tracking, analyzing, evaluating, and advising others regarding website design, implementation, usability, functioning, performance, and optimization; application service provider (ASP), namely, featuring software for managing and optimizing website

performance and the effectiveness of online marketing campaigns; technical support, namely, monitoring network systems; application service provider (ASP), namely, featuring software for managing, collecting, integrating, and sharing a wide variety of data and information from various sources; application service provider (ASP), namely, featuring software for web site diagnostic analysis; application service provider (ASP), namely, featuring software for tracking web site activity and managing, monitoring and optimizing the performance and effectiveness of websites and online marketing campaigns; providing an online non-downloadable software platform for managing, collecting, integrating, and sharing a wide variety of data and information from various sources” in Int. Class No. 42 as stated in the application.

5. The mark ADOBE GENESIS of applicant is confusingly similar to the mark GENESYS of opposer and its use by applicant on the services stated in its application is likely to cause confusion, deception and mistake. Applicant's registration or use of ADOBE GENESIS interferes with opposer's use of its mark GENESYS and will seriously damage opposer.

WHEREFORE, opposer believes that it will be damaged by the registration of ADOBE GENESIS in Application Serial No. 85/181,619 and prays that this opposition be sustained in favor of opposer, and that said registration be denied for the identified services.

The opposition filing fee of \$300.00 accompanies this paper. If any additional fee is required, please charge Deposit Account No. 23-0442.

Respectfully submitted,

GENESYS TELECOMMUNICATIONS
LABORATORIES, INC.,
Opposer

Dated: October 6, 2011

By /K. B. Adolphson/

K. Bradford Adolphson
Registration No. 30,927
Attorney for Opposer

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
Email: kba@wfva.net

CERTIFICATE OF SERVICE

This hereby certifies that a copy of this paper was mailed to Applicant on the date indicated below by depositing the same with the United States Postal Service as first-class mail, postage prepaid to:

DANIEL C. POLIAK
ADOBE SYSTEMS INCORPORATED
801 N 34TH ST
SEATTLE, WA 98103-8882

Dated: October 6, 2011

/K. B. Adolphson/
K. Bradford Adolphson



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Typed Drawing

Word Mark	GENESYS
Goods and Services	IC 042. US 100 101. G & S: consulting services in the area of computerized telecommunications and telephony control. FIRST USE: 19941000. FIRST USE IN COMMERCE: 19941000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75387701
Filing Date	November 10, 1997
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 9, 1999
Registration Number	2249031
Registration Date	June 1, 1999
Owner	(REGISTRANT) Genesys Telecommunications Laboratories, Inc. CORPORATION CALIFORNIA 2001 Junipero Serra Blvd. Daly City CALIFORNIA 94014
Attorney of Record	K BRADFORD ADOLPHSON
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090604.
Renewal	1ST RENEWAL 20090604
Live/Dead Indicator	LIVE

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No assignment has been recorded at the USPTO

For Serial Number: 75387701

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Web interface last modified: July 25, 2011 v.2.2

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Typed Drawing

Word Mark	GENESYS
Goods and Services	IC 009. US 021 023 026 036 038. G & S: computer software for computerized telecommunications and telephony control, and instruction and user manuals provided in connection therewith. FIRST USE: 19941000. FIRST USE IN COMMERCE: 19941000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75387700
Filing Date	November 10, 1997
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 1, 1999
Registration Number	2271572
Registration Date	August 24, 1999
Owner	(REGISTRANT) Genesys Telecommunications Laboratories, Inc. CORPORATION CALIFORNIA 2001 Junipero Serra Blvd. Daly City CALIFORNIA 94014
Attorney of Record	K BRADFORD ADOLPHSON
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20091002.
Renewal	1ST RENEWAL 20091002
Live/Dead Indicator	LIVE

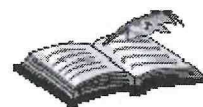
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For Serial Number: 75387700

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